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July 6, 2023

Honorable Marcia M. Henry (*by ECF*)  
United States Magistrate Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: Kellner v. City of New York, et al., 17-cv-01268 (NRM) (MMH)

Dear Magistrate Judge Henry:

I am an attorney in the office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, counsel for defendants in this action. I write to request an enlargement of time in which to take the first step in initiating dispositive motion practice in keeping with Judge Morrison's Individual Rules. Plaintiff's counsel has advised me that he consents to this request.

As the Court is no doubt aware, Judge Morrison's Individual Rules require that, to initiate motion practice, the moving party submit a letter seeking a pre-motion conference, together with a Local Civil Rule 56.1 statement. The reason for the extension sought in this letter is that defendants anticipate that both the letter and the Rule 56.1 statement will be complex. The Rule 56.1 statement will also be lengthy. To prepare these documents, defendants have been reviewing the extensive record that has been generated in discovery in this action, which encompasses an exchange of more than 50,000 pages of documents and 17 depositions. During the discovery period, plaintiff conducted 14 depositions and defendants conducted three depositions. A number of the depositions were lengthy, and several consist of testimony taken over a full day or nearly a full day. Plaintiff's deposition alone, taken in three sessions, consists of nearly 600 pages. Additionally, plaintiff's allegations in this matter are complex. The Amended Complaint itself is twenty-five pages in length and advances allegations relating to three separate and allegedly interrelated criminal prosecutions dating over a period of years. As a result of these factors, as well as a confluence of deadlines for motion practice and discovery in other pending matters, defendants need additional time in which to review the record and complete the submissions required by Judge Morrison's Individual Rules.

After conferring with plaintiff's counsel, and in light of his plans to be out of the country and unavailable for several weeks in the latter part of August, the parties request the

following revised schedule: defendants' submissions to be made on or before August 25, 2023; plaintiff's submissions to be made on or before September 26, 2023.

The current deadline was set pursuant to Your Honor's Order dated June 13, 2023. No party has previously requested an adjournment of the schedule for initiating motion practice. No other deadlines or appearances are scheduled at present and will be affected if the Court grants this request. For the above reasons, defendants ask that the Court grant this application for an enlargement of time.

Thank you for your time and attention to the above.

Respectfully submitted,

*/s/ Susan P. Scharfstein*

Susan P. Scharfstein

cc: Counsel of record (*by ECF*)